

To: Tonya Fish/R8/USEPA/US@EPA[]
Cc: Tina Laidlaw/MO/R8/USEPA/US@EPA; Dave Moon/R8/USEPA/US@EPA[]; ave Moon/R8/USEPA/US@EPA[]
From: "Suplee, Mike"
Sent: Fri 7/13/2012 3:34:02 PM
Subject: RE: Numeric nutrient standards rule package

Hi Tonya;

The state intends to adopt both parts A and B of DEQ-12. Everything we list will be legally binding. If you look deeper into the rule package and the reasons, you will see that part B is incorporated by reference (as is part A), that it is incorporated into all of our surface water classes, etc.

FYI, there are some guidance documents referred to in DEQ-12 part B that will remain outside of rule, as guidance. But the actual Part B of the circular will be in rule.

Thanks, Mike

From: Tonya Fish [Fish.Tonya@epamail.epa.gov]
Sent: Wednesday, July 11, 2012 1:55 PM
To: Suplee, Mike
Cc: Tina Laidlaw; Dave Moon
Subject: Fw: Numeric nutrient standards rule package

Mike,

Can you clarify for me what the state intends to adopt in rule? I understand the distinction you are making between Part A being adopted by the Board and Part B being adopted through MDEQ rulemaking, but either way, will everything you list in the paragraph below be in rule and legally binding? What confused me was that you talk about incorporation of Part A into the WQS, but not Part B, so wanted to make sure I understood if you intended Part B to be guidance and not part of the WQS.

The board or department is proposing the adoption of new rules and rule modifications. These are: New Rule I; new definitions; a new circular (DEQ-12 Part A, adopted by the board) which contains numeric nutrient standards for total nitrogen and total phosphorus; DEQ-12 Part B which addresses variances from the standards (DEQ-12 Part B is adopted by the department); incorporation of circular DEQ-12 Part A into the surface water quality classifications (ARM 17.30.622 through 17.30.629); modifications to the numeric nutrient standards for the Clark Fork River (ARM 17.30.631); a low flow for base numeric nutrient standards appropriate for the design of disposal systems (ARM 17.30.635[4]); and incorporation of DEQ-12 Part A into the nondegradation rules (ARM 17.30.702 and ARM 17.30.715).

----- Forwarded by Tina Laidlaw/MO/R8/USEPA/US on 07/10/2012 02:00 PM -----

From: "Mathieus, George" <gemathieus@mt.gov>
To: Tina Laidlaw/MO/R8/USEPA/US@EPA
Date: 07/10/2012 01:57 PM
Subject: FW: Numeric nutrient standards rule package

From: Suplee, Mike
Sent: Friday, July 06, 2012 10:28 AM
To: North, John
Cc: Mathieus, George; Bostrom, Mark; Urban, Eric; Chambers, Jenny
Subject: Numeric nutrient standards rule package

Hi John;

Attached is the rule package for the numeric nutrient standards for your review. Our intent is to present this to the board for initiation of rule making at their September 28th meeting.

There are three attachments; only the first two are part of the rule package:

1. The rule changes and their reasons (i.e., statements of reasonable necessity)
2. Circular DEQ-12 Parts A & B
3. Flowchart

The rule package and circular have version numbers as there have been many changes and there are earlier version out there, so that way I can keep track.

Number 3 above, the flowchart, outlines parts of the process that have been confusing for many and is informational only. It outlines the options dischargers may have following the sunset of the 2016 general variance concentrations which are currently in statute (75-5-313, MCA).

If you have any questions please email. I will be in the field next week but checking emails and will be in the office late in the week (Friday).

Thanks,

Michael Suplee
Standards[attachment "CircularDEQ12_v6.4.docx" deleted by Tonya Fish/R8/USEPA/US] [attachment "NtrntStnds_v7.5_StmntRN.doc" deleted by Tonya Fish/R8/USEPA/US] [attachment "Post2016_flowchart_v4.docx" deleted by Tonya Fish/R8/USEPA/US]